

REGULAR

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AUGUST 2008

3:30 P.M., Ohio County Community Center, Hartford, Ky

Meeting called to order by Judge Executive David Jones. Prayer by Magistrate Hayward Dean Minton. Pledge to the American flag.

Those present were as follows:

David G. Jones	Judge Executive
Gregory B. Hill	County Attorney
Cheryl Morris	Fiscal Court Clerk
Hayward D. Minton	Magistrate District 1
Jason Bullock	Magistrate District 2
Richard Robinson	Magistrate District 3
Larry Keown	Magistrate District 4
Bill Burden	Magistrate District 5

Motion made by Esq. Burden that the Court approve the minutes of the previous meeting on July 22, 2008 as presented. (on file in Fiscal Court Order Book, Clerk’s office)

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve the bills, claims, payments and transfers as presented. (copy on file, Clerk’s office)

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve to accept the Sheriff’s Report of Delinquent Taxpayers for Unmined Coal 2007 Assessment as presented. (copy on file in Clerk’s office)

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to accept the Clerk’s Claim for Calculation of Motor Vehicle and Boat Bills for 2008 as presented. (copy on file in Clerk’s office)

The motion was seconded by Esq. Minton and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

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Motion made by Esq. Minton that the Court approve to accept the Treasurer’s Financial Statement for the month of July 2008 as presented. (copy on file in Clerk’s office)

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve the Second Reading of Ordinance 2009-1-A – Budget Amendment as presented. (copy on file in Ordinance Book, Clerk’s office)

The motion was seconded by Esq. Bullock and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to amend the Workmen’s Compensation section in Ordinance 2009-3 to read as follows and advertise the second reading of the Ordinance for the next regular Fiscal Court meeting on September 2, 2008

F. Workmen’s Compensation:

1. All County employees are covered by Worker’s Compensation in accordance with the Kentucky’s Worker’s Compensation Law. Payments made under this law are for loss of time and medical expenses resulting from personal injuries, which arise out of and in the course of employment.
1. Medical expenses are normally paid in full, in accordance with the fee schedule adopted by the Department of Workers’ Claims. Payments of lost time of work are paid in accordance with the Kentucky Worker’s Compensation Law.
2. Should an employee sustain a work related injury, the Fiscal Court will continue to pay to the employee his regular rate of pay for a period of two (2) weeks for any time lost due to the injury, provided that the employee submit a statement from a qualified health care professional verifying the necessity of work loss for medical treatment or the inability to work.

After the expiration of the two (2) week period from the date of any work related injury, the County’s worker’s compensation insurance carrier will be responsible for payment of any worker’s compensation benefits to which the employee may be entitled in accordance with the Kentucky Worker’s Compensation Act, KRS Chapter 342.

Should an employee receive from the County’s worker’s compensation carrier temporary total disability income benefits due to a work related injury for the two (2) week period immediately after the injury and for which the County has paid to the employee his regular rate of pay, the County shall be reimbursed by the employee the amount of income benefits paid to the employee by the worker’s compensation carrier for the two (2) week period.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Bullock that the Court approve to rescind the motion made by Esq. Robinson at the July 22, 2008 meeting in Record Book 21, Page 164 regarding combining funds in the county’s budget to be disbursed to the nine (9) volunteer fire departments contingent upon each department signing a Memorandum of Agreement to continue to provide county-wide mutual aid.

The motion was seconded by Esq. Minton and after discussion of said motion the vote being called for was as follows:

Motion and second were withdrawn.

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And said motion was unanimously adopted, and it is so ordered.

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Motion made by Judge Jones that the Court approve Executive Order No. 2008-05-0812 establishing responsibilities and chain of command between the County of Ohio, Ohio County Emergency Management, and the Centertown Fire/Rescue in the provision of rescue squad services. (copy on file in Executive Order Book, Clerk’s office)

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve Executive Order No. 2008-06-0812 establishing responsibilities and chain of command between the County of Ohio, Ohio County Emergency Management, and the Cromwell Fire/Rescue in the provision of rescue squad services. (copy on file in Executive Order Book, Clerk’s office)

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to have the County’s bid awarded provider of HVAC services, H & W Electric, inspect the storage room that houses the e-scan voting machines and install air-conditioning capable of maintaining the recommended climate for proper maintenance of the voting machines.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to accept the Sheriff’s 2007 Unmined Coal Settlement, subject to state audit, as presented. (copy on file in Clerk’s office)

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve Jailer Rip Wright’s recommendation to hire Anthony Arnold as a part-time Deputy Jailer effective 7/30/08 at a rate of \$9.00 per hour, to replace William Santiago.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to hire Kristin Sumpter as the K-TAP employee in the maintenance department at the Ohio County Park to a temporary position effective August 4, 2008 at the rate of \$9.00 per hour and not to exceed 40 hours per week for a six month period. This position is a wage subsidy of 75% for three (3) months and 50% for three consecutive months; to replace Melissa Burden whose grant period has expired.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the following Resolution regarding jail funding litigation:

RESOLUTION

OHIO COUNTY FISCAL COURT

WHEREAS, the cost associated with operating local jails has created a multi-million dollar deficit for Fiscal Courts across the Commonwealth; and,

WHEREAS, a significant portion of this multi-million dollar deficit is to pay the incarceration costs of convicted felons residing in county jails who are credited for time served in a county jail; and,

WHEREAS, legal counsel representing the Kentucky County Judge/Executive Association (“KCJEA”) has interpreted the statutes to require the state to be financially obligated for these convicted felons; and,

WHEREAS, the KCJEA General Membership on July 10, 2008 voted unanimously for the KCJEA to pursue litigation against the Executive and Legislative branches on the issue of credit for time served; and,

WHEREAS, the Ohio County Fiscal Court desires to be a party plaintiff in the lawsuit along with the KCJEA,

NOW, THEREFORE, BE IT RESOLVED BY THE OHIO COUNTY FISCAL COURT that legal counsel for KCJEA is hereby authorized by a majority vote of the Ohio County Fiscal Court to include Ohio County Fiscal Court as a party plaintiff in the lawsuit against the Commonwealth of Kentucky and other entities.

PUBLICLY READ AND APPROVED THIS 12th DAY OF AUGUST 2008.

David G. Jones
Ohio County Judge Executive

Attest:

Cheryl Morris, Fiscal Court Clerk

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

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Motion made by Judge Jones that the Court approve to go into Closed Session to discuss personnel issues. Personnel issues will be discussed which entails private and personal information which justifies and requires a Closed Session discussion. No other business will be discussed during the Closed Session and no official action shall be taken or consensus made by the Court. The legal authority that allows us to go into closed session is KRS 61.810(1)(f) which authorizes the Fiscal Court to discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee’s, member’s or student’s right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret. The legal reason we are going into closed session is for discussion of personnel issues.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to go back into Open Session. No other business was discussed or action taken during Closed Session except what was stated by me before going into Closed Session regarding personnel issues. There was no consensus made by the Court regarding personnel issues.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Recommendation by Judge Jones that the Court approve to hire Kevin Abbott as a Seasonal worker at the Ohio County Road Department effective August 18, 2008 at a rate of \$10.00 per hour.

Roll call vote:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Recommendation by Judge Jones that the Court approve to hire Homer “Randy” Maiden as a Seasonal worker at the Ohio County Road Department effective August 18, 2008 at a rate of \$10.00 per hour.

Roll call vote:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Motion made by Esq. Keown that the Court approve to add a portion of Ridge Road to the prioritization list for a 3” water line extension at an approximate cost of \$4,000.

The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

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Motion made by Esq. Minton that the meeting is adjourned.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Meeting is adjourned.

David Jones, Judge Executive

Cheryl Morris, Fiscal Court Clerk